

REMARKS

The Applicant respectfully requests reconsideration and allowance of claims 28-31, 33-42, and 44-50, and consideration and allowance of new claim 51 in view of the amendments presented above.

I. STATUS OF CLAIMS

This application was originally filed with claims 1-27. Claims 1-27 were canceled to remove multiple dependencies and claims 28-50 were added via a preliminary amendment. The above amendments cancel claims 32 and 43 and amend claims 28, 33, 35, 36, 39-42, and 44-50 and add new claim 51. In particular, claim 28 is amended above to address the Rule 83 objection stated in the Office Action, and to add limitations previously set out in claims 32 and 33. Claim 33 is amended above to eliminate subject matter incorporated in claim 28. Claims 35, 44, and 49 are amended above to address the Section 112 rejections as to those claims. Claims 39-42 and 44-49 are amended above to depend from new claim 51 and also amended to address informalities. Claim 50 is amended to address the Rule 83 objection and to add limitation previously set out in claim 43. Claims 28-31, 33-42, and 44-51 are pending in the case in view of the above amendments.

It is noted that claim 50 is amended above to refer to “two wall sections” rather than “two or more wall sections.” This amendment is made merely to simplify the claim and to facilitate the addition of element (f), and is not intended to disclaim embodiments having more than one pair of wall sections. Rather, all of the claims are intended to encompass embodiments having a single pair of wall sections and also multiple pairs of wall sections.

1 II. THE OBJECTION TO THE DRAWINGS

2 The Office Action objected to the drawings under 37 C.F.R. §1.83(a) for failing to
3 disclose the subject matter of section (e) (ii) in claims 28 and 50. The above amendments to
4 claims 28 and 50 eliminate the subject matter of both sections (i) and (ii) of element (e) in favor
5 of a different description of the intended subject matter. The subject matter of amended element
6 (e) of claims 28 and 50 is shown in Figures 1a, 1b, and 1c, and described in the translated PCT
7 application at page 20, line 10 to page 21, line 2. In particular, this description of Figures 1a, 1b,
8 and 1c indicates that a first pressure (that is, a positive pressure) in the pressure chamber reduces
9 the forces transferred to the object and a second pressure opposite to the first pressure (that is, a
10 negative pressure applied to the pressure chamber moves bending regions 3a inwardly and
11 increases the forces that may be transferred to an object.

12 The Applicant believes that the above amendments to element (e) of claims 28 and 50
13 obviates the Rule 83 objection to the drawings.

14 III. THE CLAIMS AS AMENDED ARE NOT INDEFINITE UNDER 35 U.S.C. §112

15 The Office Action rejected claims 35, 44, and 49 under 35 U.S.C. §112, second
16 paragraph, in view of certain antecedent basis errors in those claims. Each of these claims is
17 amended above to eliminate the antecedent basis errors. The Applicant respectfully submits that
18 the above amendments to claims 35, 44, and 49 obviate the Section 112 rejections.
19

1 IV. THE CLAIMS ARE ALLOWABLE OVER THE MULLER PATENT

2 The Office Action rejected claims 28, 30-32, 36-44, and 46-50 under 35 U.S.C. 102(b) as
3 being anticipated by PCT Publication No. WO 01/34990 A1 to Müller (the “990 reference”).

4 The Applicant respectfully submits that the claims are not anticipated by the 990 reference.

5 Original claim 28 required at element (d) that the wall sections exert a predetermined
6 clamping and/or braking force on the object even when the wall sections are in the unpressurized
7 built-in state. This limitation remains in claim 28 and in each of the other independent claims,
8 claims 50 and 51. The Applicant respectfully submits that the 990 reference does not disclose
9 the feature set out in element (d) of claims 28, 50, and 51. In the 990 reference a sufficiently
10 flexible base member is used to exert forces in the unpressurized state if the corresponding
11 device is mounted with a corresponding pre-tension. In the presently claimed structure, the
12 forces applied in the unpressurized state are a direct consequence of a tension which exists in the
13 walls and the bending regions.

14 Furthermore, claim 28 as amended above includes the limitations previously set out at
15 claim 32 regarding the formation of the wall sections as separate parts connected directly or
16 indirectly in a pressure-tight way. Claim 28 is also amended above to require lateral sealing
17 elements as previously set out in claim 33. The 990 patent does not teach or suggest these lateral
18 sealing elements and thus does not anticipate claim 28 as amended.

19 Claim 50 is amended above to include the limitation as to the ring-shaped, slotted wall
20 elements. The 990 reference does not disclose this wall element arrangement and thus does not
21 anticipate claim 50.

1 For all of these reasons the Applicant believes that the present claims are not anticipated
2 by the 990 reference.

3

4 V. THE CLAIMS ARE NOT OBVIOUS IN VIEW OF THE CITED REFERENCES

5 The Office Action rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over
6 the 990 reference and rejected claims 33-35 and 45 as being unpatentable over the 990 reference
7 in view of U.S. Patent No. 4,638,724 to Emmert (the “Emmert patent” or “Emmert”). The
8 Applicant believes that the amended claims are not obvious in view of the 990 reference alone or
9 as combined with the Emmert patent.

10 Claim 28 is amended above to require that the pressure chamber is sealed at the side
11 regions of the wall sections with lateral sealing elements. These lateral sealing elements are
12 shown at reference number 23 in Applicant's Figures 1a and 1b. Neither the 990 reference nor
13 the Emmert patent teaches or suggests these lateral sealing elements. Element 3 shown in the
14 Emmert patent is not a lateral sealing element, but rather a sleeve as discussed in the Emmert
15 patent at col. 3, lines 13-33, for example.

16 Because the proposed combination of the 990 reference and the Emmert patent fails to
17 disclose each element required by claim 28, the Applicant submits that claim 28 is not obvious in
18 view of the 990 reference and Emmert and is entitled to allowance together with its respective
19 dependent claims, claims 29-31 and 33-38.

20 Claim 50 is amended above to require that the two wall sections are formed by ring-
21 shaped, radially slotted wall elements with bending regions formed at least between the slots in
22 the wall elements. New claim 51 includes this limitation as well. Neither the 990 reference nor

1 the Emmert patent disclose this ring-shaped, radially slotted arrangement. The Applicant
2 therefore believes that claims 50 and 51 are not obvious in view of the 990 reference and Emmert
3 and are entitled to allowance. Claims 39-42 and 44-49, which ultimately depend from claim 51
4 are also entitled to allowance.

5

6 VI. CONCLUSION

7 For the above reasons the Applicant respectfully requests reconsideration and allowance
8 of claims 28-31, 33-42, and 44-50, and consideration and allowance of new claim 51.

9 If the Examiner should feel that any issue remains as to the allowability of these claims,
10 or that a conference might expedite allowance of the claims, he is asked to telephone the
11 undersigned attorney.

12 Respectfully submitted,

13 THE CULBERTSON GROUP, P.C.

14
15 Date: 6 Nov 2009 By: 
16 Russell D. Culbertson, Reg. No. 32,124
17 1114 Lost Creek Boulevard, Suite 420
18 Austin, Texas 78746
19 512-327-8932
20 ATTORNEY FOR APPLICANT

21
22
23
24
25
26
27
28 1001_Response_070606OA.wpd